

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	July 3, 2018
Time of Incident:	8:03 pm
Location of Incident:	██
Date of COPA Notification:	July 3, 2018
Time of COPA Notification:	8:29 pm

On July 3, 2018, an unidentified male called 911 to report a black male wearing an orange hat, white t-shirt, beige pants, and beige Timberland boots, now known as ██████████ in the area of ██████████ with a firearm. Chicago Police Department (CPD) Officers Mark Ritchey and William Whalen responded to the area and attempted to conduct a street stop on Mr. ██████████ which led to a foot pursuit down the north alley of Fulton.¹ Mr. ██████████ hopped the fence into the rear yard of ██████████, landed on his hands and knees, and was confronted by Officers David Taylor and Larry Lanier, who were located in the adjacent yard at ██████████. The officers observed Mr. ██████████ holding a handgun. The officers gave Mr. ██████████ verbal commands to drop the weapon. Mr. ██████████ got up from the ground and began to move forward, at which point Officers Taylor and Lanier fired their weapons, fatally wounding Mr. ██████████. A firearm was recovered next to Mr. ██████████ body.

II. INVOLVED PARTIES

Involved Officer #1:	David TAYLOR, Star # ██████████, Employee ID # ██████████, Date of Appointment: ██████████, 2015, Rank: Police Officer, Unit of Assignment: ██████████, DOB: ██████████, 1989, male, White
Involved Officer #2:	Larry LANIER, Star # ██████████, Employee ID # ██████████, Date of Appointment: ██████████, 2014, Rank: Police Officer, Unit of Assignment: ██████████, DOB: ██████████, 1989, male, Black
Involved Individual #1:	██████████ DOB: ██████████, 1985, male, Black

¹ This alley is ██████████n Street. Other CPD officers joined the foot pursuit as it was in progress.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer David Taylor	<ol style="list-style-type: none"> 1. It is alleged that on July 3, 2018, at approximately 8:04 pm., at or near [REDACTED], you fired at or in the direction of [REDACTED] in violation of General Order 03-02. 2. It is also alleged that on July 3, 2018, while responding to an incident documented under RD # [REDACTED], you failed to activate your body worn camera in a timely manner. 	<p>Sustained / Separation</p> <p>Sustained / Reprimand</p>
Officer Larry Lanier	<ol style="list-style-type: none"> 1. It is alleged that on July 3, 2018, at approximately 8:04 pm., at or near [REDACTED], you fired at or in the direction of [REDACTED] in violation of General Order 03-02. 2. It is also alleged that on July 3, 2018, while responding to an incident documented under RD # [REDACTED], you failed to activate your body worn camera in a timely manner. 	<p>Sustained / Separation</p> <p>Sustained / Reprimand</p>

IV. APPLICABLE RULES AND LAWS

Rules
<ol style="list-style-type: none"> 1. Rule 3: Any failure to promote the Department’s efforts to implement its policy or accomplish its goals. 2. Rule 6: Disobedience of an order or directive, whether written or oral. 3. Rule 10: Inattention to duty.
General Orders
<ol style="list-style-type: none"> 1. General Order 03-02: Use of Force; effective October 16, 2017- present
Special Orders
<ol style="list-style-type: none"> 1. Special Order S03-14: Body Worn Cameras
State Laws
<ol style="list-style-type: none"> 1. 720 ILCS 5/7-5 (1986)

V. INVESTIGATION²

a. Interviews

In a **statement to COPA** on August 7, 2018, **Officer Mark Ritchey, #14979**,³ stated that on the date of the incident, he was in full uniform, assigned to Unit [REDACTED],⁴ working Beat [REDACTED] with Officer William Whalen, [REDACTED] stated he was the driver officer of a marked Ford Explorer. They were assigned to a specific geographic area within the [REDACTED] District.⁵ Officer Ritchey stated he and Officer Whalen were monitoring the radio on Zone [REDACTED] when they heard a call of a man with a gun. According to Officer Ritchey, he proceeded to the address of incident to assist officers with the call. Upon turning onto [REDACTED] from [REDACTED], he observed a person, now known to be [REDACTED] matching the description provided by dispatch of the man with the gun. Mr. [REDACTED] was at the end of the block, near [REDACTED] Avenue. Officer Ritchey requested the description again over the radio, at which time he was told the man with the gun was wearing an orange hat, white shirt, and tan pants. Officer Ritchey informed dispatch he observed a person matching the description of the subject at approximately [REDACTED] and that he and his partner would be conducting a stop on the person.

As Officer Ritchey and his partner proceeded toward Mr. [REDACTED] who looked in their direction and walked from the middle of the street to a black SUV that was parked on the north side of the street. Mr. [REDACTED] stood by the vehicle resting his forearms on its hood. There were one or two older black men⁶ who appeared to be talking to Mr. [REDACTED]. Officer Ritchey stated he exited his vehicle and told Mr. [REDACTED] that they wanted to talk to him. Mr. [REDACTED] asked the officers why they wanted to talk to him. As Officer Ritchey took another step toward him, Mr. [REDACTED] fled on foot, precipitating a foot pursuit. As Officer Ritchey was chasing Mr. [REDACTED] eastbound, where the distance between them was approximately ten to fifteen feet, Officer Ritchey observed Mr. [REDACTED] shirt rise. At that point, Officer Ritchey observed the handle of a black semi-automatic pistol on the right side of Mr. [REDACTED] waistband.

Officer Ritchey explained the foot pursuit continued eastbound on [REDACTED]. Mr. [REDACTED] turned northbound onto [REDACTED] and continued running on the sidewalk. As Officer Ritchey turned the corner to follow him, he observed Mr. [REDACTED] pull the pistol out of his waistband with his right hand. Mr. [REDACTED] held the gun in his right hand with his finger inside the trigger guard as he continued to run northbound. Officer Ritchey reported Mr. [REDACTED] actions over the radio. Officer Ritchey gave Mr. [REDACTED] multiple verbal commands to drop the weapon, but Mr. [REDACTED]

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

³ Atts. 53, 103.

⁴ Unit [REDACTED] is the Deputy Chief- [REDACTED]. This unit is not assigned body-worn cameras so neither Officer Ritchey nor Officer Whalen were equipped with them.

⁵ This area was bordered by [REDACTED] to the north, [REDACTED] to the east, [REDACTED] to the south, and [REDACTED] to the west.

⁶ Officer Ritchey did not interact with these men and did not know what happened to them after the officer ran after Mr. [REDACTED]

failed to comply. Mr. [REDACTED] then made a westbound turn onto [REDACTED], which is the alley north of [REDACTED], and Officer Ritchey followed him. Officer Ritchey explained he turned corners slowly because Mr. [REDACTED] was holding a gun as he ran. The distance between them was less than 45 feet. Officer Ritchey continued to provide verbal commands to drop the gun. As they made it into the alley, approximately three houses in, Mr. [REDACTED] who still had the gun in his hand, proceeded southbound into a yard toward the front of the residence on [REDACTED]. Officer Ritchey stated Mr. [REDACTED] jumped a fence, still holding the gun, and proceeded westbound on [REDACTED]. Mr. [REDACTED] then continued northbound through a yard several houses down, heading back toward the alley.

While still in pursuit of Mr. [REDACTED] Officer Ritchey realized Officer Whalen was no longer behind him. He assumed Officer Whalen was running back northbound. Officer Ritchey observed Mr. [REDACTED] go back westbound down the alley. Officer Ritchey ran westbound on the front sidewalk of Fulton Street, parallel to Mr. [REDACTED] path in the alley. Officer Ritchey observed an [REDACTED] District tact team arrive and saw two of the officers, who he later learned were Officers Taylor and Lanier, exit their vehicle. Officer Ritchey directed those officers to go north while he continued to run westbound. Officer Ritchey then reached the house at the end of the block and ran northbound into the yard toward the alley. As he was roughly in the middle of the backyard, he heard someone screaming loudly, "Drop the gun, drop the gun, drop the gun,"⁷ followed by five to six gunshots in rapid succession. There was a high wooden fence that obstructed his view. Officer Ritchey then heard "shots fired by the police"⁸ over the radio. Officer Ritchey continued eastbound in the alley where he observed an officer at a chain-link fence, attempting to open the fence.

Officer Ritchey ran to that fence and hopped over it. Officer Ritchey then observed Officers Taylor and Lanier, standing over Mr. [REDACTED] with their weapons drawn. Officer Ritchey observed Mr. [REDACTED] lying to the east of the yard with a handgun roughly two feet away, which was the same weapon Officer Ritchey had seen Mr. [REDACTED] holding during the foot pursuit. Officer Ritchey handcuffed Mr. [REDACTED] checked him for wounds and searched him for additional weapons. Officer Ritchey observed approximately six gunshot wounds on Mr. [REDACTED] four to the back and two to the chest. Officer Ritchey explained he provided medical care⁹ to Mr. [REDACTED] gunshot wounds while they waited for EMS to arrive.

Officer Ritchey stated he asked a woman¹⁰ who was on the second floor of the property for the address, and she responded [REDACTED]. Officer Ritchey described the yard where the incident occurred as an open backyard with the garage abutting the alley and a walkway on the east side of the yard. Mr. [REDACTED] was lying half on the grass and half on this walkway. The yard was surrounded by a chain-link fence and a tree that may have been located in the adjacent yard that contained

⁷ Statement of Officer Ritchey, Att. 103, page 20, lines 11-13.

⁸ *Id.*, page 20, line 16.

⁹ Officer Ritchey reported being Law Enforcement Medical and Rescue Training (LEMART) trained. Officer Ritchey applied QuickClot, which is a clotting mixture to help stop the bleeding, to Mr. [REDACTED] wounds and an Israeli tourniquet, which is a pressure dressing.

¹⁰ This woman was identified by detectives as [REDACTED]. Ms. [REDACTED] informed detectives that she heard five to six gunshots and she looked out of her rear window and saw three to four officers in her yard and a black male lying face down on the ground in the same yard. During two canvasses, COPA was unable to contact any residents of that building. Atts. 17, 18.

overhanging branches into the yard at [REDACTED]. Officer Ritchey described there was no gangway to the property. Officer Ritchey described Officers Taylor and Lanier as both being visibly shaken and pacing in the yard. Once the other officers secured the scene, Officer Ritchey told Officer Taylor to leave the yard.

In a **statement to COPA** on August 13, 2018, **Officer William Whalen, #6620**,¹¹ stated that on the date of the incident, he was in full uniform, assigned to Unit [REDACTED], working Beat [REDACTED] with Officer Ritchey. Officer Whalen stated he was the front passenger of a marked Ford Explorer. Officer Whalen provided a statement consistent with that of Officer Ritchey regarding their assignment for the day and the start of the foot pursuit. After Mr. [REDACTED] ran through a yard three or four houses west of [REDACTED] from the alley back to [REDACTED], Officer Ritchey told Officer Whalen that Mr. [REDACTED] was now running back north through another yard back toward the alley. Officer Whalen retraced his own path back to the alley to cut off Mr. [REDACTED] while Officer Ritchey continued following Mr. [REDACTED] westbound on Fulton Street.

As Officer Whalen ran toward the alley, he could see Mr. [REDACTED] running toward the alley two yards west of him. Officer Whalen continued yelling at Mr. [REDACTED] to stop and to drop the gun, but Mr. [REDACTED] refused to comply. Officer Whalen lost sight of Mr. [REDACTED] when Mr. [REDACTED] passed a garage off the alley. When Officer Whalen saw Mr. [REDACTED] again in the alley, Mr. [REDACTED] was on the ground. Officer Whalen did not see Mr. [REDACTED] fall or know how he got on the ground. The firearm was on the ground in front of Mr. [REDACTED]. Mr. [REDACTED] picked up the firearm, got up and continued to run westbound in the alley. Officer Whalen then saw Mr. [REDACTED] climb over a fence and momentarily get stuck on the fence. As Officer Whalen was passing the last garage east of the fence Mr. [REDACTED] hopped over, he heard at least two voices yell, "Drop the gun and stop. Drop the gun,"¹² followed by approximately five to six gunshots. Once Officer Whalen rounded the corner, he saw Mr. [REDACTED] fall to the ground closer to the east side of the yard. Officer Whalen then saw two officers, Officers Lanier and Taylor, move closer to Mr. [REDACTED] from the west side of the yard. Officer Whalen recalled seeing red stains on Mr. [REDACTED] shirt, which made him believe Mr. [REDACTED] was bleeding. Additionally, Officer Whalen explained he saw the same weapon Mr. [REDACTED] had been running with next to his body. Officer Whalen stated he proceeded to the alley, where he opened the padlock on the gate in order for EMS to gain entry into the yard.

In a **statement to COPA** on August 20, 2018, **Officer David Taylor, #18525**,¹³ stated that on the date of the incident, he was in full uniform, assigned to Beat [REDACTED] with Officers Timothy Loring and Larry Lanier. Officer Taylor stated he was the front passenger of their assigned unmarked Ford Explorer. Officer Taylor stated he and his partners were in the area of [REDACTED] and [REDACTED] Avenues when a call of a person with a gun was dispatched over the radio. Officer Taylor did not recall the specific information that was initially reported, but he recalled "a very, very descriptive clothing description."¹⁴ The officers began to drive toward the location with their emergency equipment activated.

¹¹ Atts. 62, 105.

¹² Statement of Officer Whalen, Att. 105, page 38, lines 3-4.

¹³ Atts. 71, 91.

¹⁴ Statement of Officer Taylor, Att. 91, page 15, lines 15-16. Officer Taylor later remarked that it was the best description he ever recalled hearing over the radio and noted that when he later saw Mr. [REDACTED] the clothing matched exactly.

Officer Taylor stated that while en-route, he asked twice for the description of the person, because other calls were being broadcasted at the same time. Officer Taylor then heard an outside unit, Officers Ritchey and Whalen, call out a foot pursuit of a person with a gun from that area. According to Officer Taylor, once he and his partners arrived on scene, he and Officer Lanier exited the vehicle and began to move northbound toward the north alley of [REDACTED], where Officers Ritchey and Whalen reported their location. Officer Taylor explained he assessed the easiest way to get to the alley and he ran through the first open gate he saw, which was at [REDACTED]. As Officer Taylor was in the gangway moving toward the rear yard, he observed Mr. [REDACTED] standing in the alley, facing southbound.

Officer Taylor stated he went over the radio to alert other officers that Mr. [REDACTED] was in the alley. Officer Taylor explained that Mr. [REDACTED] looked in his direction. Officer Taylor immediately ran toward the fence separating the alley and the rear yard in order to pursue Mr. [REDACTED]. Before he could climb the fence to do so, Officer Taylor heard a noise coming from the fence to his right. He could not see that area, because a garage was in the way. He then double-backed into the yard at [REDACTED] and saw Mr. [REDACTED] in the adjacent yard. Officer Taylor saw Mr. [REDACTED] stumble and fall on his hands and knees. Mr. [REDACTED] had a gun in his hand with his finger on the trigger. Officer Taylor hopped the fence into the back yard of [REDACTED]. Officer Taylor then recalled seeing Officer Lanier in the yard of [REDACTED]. Officer Taylor noted that he drew his own weapon around this point.

Once he was in the yard at [REDACTED], Officer Taylor ordered Mr. [REDACTED] to “Put the gun down,”¹⁵ which Mr. [REDACTED] did not do. Officer Taylor described that Mr. [REDACTED] lifted himself up off the ground, with the gun still in his hand, and got back on his feet. Mr. [REDACTED] then started moving in a southbound direction but there was nowhere for him to go, because his exit was obstructed by the building in front of him. Officer Taylor explained that the only options for Mr. [REDACTED] were to jump the fence toward [REDACTED], where he would be confronted by Officer Lanier;¹⁶ to move in Officer Taylor’s direction in order to hop the fence back toward the alley, or to hop the fence to the east of [REDACTED]. According to Officer Taylor, the last option was the only one available if Mr. [REDACTED] intention was to simply run away from the officers.

Officer Taylor explained that, once Mr. [REDACTED] stood up, he began to slowly run away from Officer Taylor with the gun still in his hand. Officer Taylor stated that he and other officers gave Mr. [REDACTED] continuous verbal commands. He explained that, as Mr. [REDACTED] was running, his shoulder started turning, moving back and forth, and Mr. [REDACTED] did not drop the gun. Mr. [REDACTED] started to make a movement toward Officer Lanier. Officer Taylor was also aware other officers were responding from the front. Officer Taylor stated he was in fear of Mr. [REDACTED] discharging his firearm and noted he already attempted to de-escalate the situation by giving Mr. [REDACTED] plenty of opportunities to put the weapon down. Officer Taylor discharged his weapon at Mr. [REDACTED] in order to stop the threat. Mr. [REDACTED] fell to the ground. According to Officer Taylor, he was unaware of how many times he discharged his firearm.¹⁷ After Officer Taylor fired his weapon, he looked at

¹⁵ *Id.*, page 29, lines 1-3.

¹⁶ Officer Lanier was standing south of a tree located in the yard at [REDACTED].

¹⁷ Officer Taylor later learned that his weapon, which he typically keeps fully loaded, was missing eight rounds.

Officer Lanier and saw smoke coming from the barrel of Officer Lanier's firearm, which he assumed meant that Officer Lanier had also fired his weapon.

Officer Taylor stated that he immediately checked Officer Lanier to make sure he was okay, then he used his radio to report shots fired by the police and request an ambulance. Because Mr. [REDACTED] weapon was on the ground in close proximity to him, other officers arriving in the yard handcuffed Mr. [REDACTED] and stood over the weapon to make sure no one touched it. Officer Taylor added that he then walked to the front because he was unsure of the address. After confirming the address over the radio, he moved into the alley, where he later spoke to supervisors regarding details surrounding the incident. Officer Taylor was transported to Northwestern Hospital due to shortness of breath, stress, and fatigue.

When asked by COPA when he activated his body camera, Officer Taylor stated that he activated it after he fired his weapon. Officer Taylor explained that he received training on the usage of the BWCs but not substantial training on practicing muscle memory in high-stress situations. Officer Taylor did acknowledge, however, that he was taught to turn on the camera while he was on the way to a call and that he did not activate his camera in accordance with his training during this incident.

In a **statement to COPA on August 20, 2018, Officer Larry Lanier, #16195,**¹⁸ stated that on the date of the incident, he was in full uniform, assigned to Beat [REDACTED] with Officers Loring and Taylor. Officer Lanier stated he was the rear passenger of the unmarked Ford Explorer they were assigned. Officer Lanier and his partners were on [REDACTED] near [REDACTED] or [REDACTED] when a call of a person with a gun was dispatched over the radio. Officer Lanier stated they informed dispatch they were responding to the call and they began to drive toward the location with their emergency equipment activated.

Officer Lanier provided a statement consistent with that of Officer Taylor regarding their arrival in the area and how they joined Officers Ritchey and Whalen in searching for Mr. [REDACTED]. Officer Lanier added that he entered the property of [REDACTED] and was running through the gangway when he saw Officer Taylor hop a chain-link fence from that yard into the yard where the shooting eventually occurred. Officer Lanier explained that, once he entered the rear yard at [REDACTED], he saw Mr. [REDACTED] had hopped the fence from the alley into the yard at [REDACTED]. Officer Lanier identified Mr. [REDACTED] as the person described in the call of a person with a gun. Mr. [REDACTED] was down on his hands and knees, attempting to stand up. As Mr. [REDACTED] was moving to stand up, Officer Lanier observed a handgun in Mr. [REDACTED] right hand. Officer Lanier drew his own weapon at that point.

Officer Lanier stated that he and Officer Taylor immediately gave Mr. [REDACTED] verbal commands to drop the firearm, which Mr. [REDACTED] ignored. Officer Lanier explained that Mr. [REDACTED] moved toward the front of the yard, toward Fulton Street, but facing Officer Lanier. Officer Lanier stated there was no exit route toward the front because the gate was connected to the house. Officer Lanier explained that he was parallel to Mr. [REDACTED] "in the line of fire,"¹⁹ and given that he was

¹⁸ Atts. 78, 92.

¹⁹ Statement of Officer Lanier, Att. 72, page 27, line 15.

standing behind a chain-link fence, there was nothing that would have stopped him from “taking a bullet.”²⁰ Officer Lanier stated there was a tree in the yard he was standing in but he was beyond the tree at that point. Officer Lanier described Mr. [REDACTED] as “moving parallel with me, facing my direction, firearm in hand, moving, and arms moving as well, with a gun in his hand.”²¹ Officer Lanier stated that he then heard gunshots.²² Officer Lanier did not immediately know where those gunshots were coming from. He did not see Mr. [REDACTED] raise the gun, but Mr. [REDACTED] was looking at Officer Lanier and had a gun in his hand. In response to hearing the gunshots, Officer Lanier discharged his own weapon in Mr. [REDACTED] direction. Officer Lanier later learned that he fired two times.

After Officer Lanier fired his gun, he assessed his surroundings and observed Mr. [REDACTED] on the ground. Officer Lanier reported shots fired by the police and requested an ambulance. Officer Lanier stated that he hopped the fence and moved toward Mr. [REDACTED] where he observed a firearm near Mr. [REDACTED] right hand. Once other officers arrived on scene, Officer Lanier exited the yard and went into the alley where he later spoke to his supervisor. Officer Lanier stated that after leaving the scene he went to the hospital for observation.

When asked if he activated his BWC during this incident, Officer Lanier stated that he believed that it was on but later discovered that it was not. Officer Lanier could not recall when he attempted to activate his BWC during the incident. Additionally, Officer Lanier acknowledged receiving training on when and how to activate the equipment.

In a **statement to COPA** on August 13, 2018, **Officer Timothy Loring, #4769**,²³ stated that on the date of the incident, he was in full uniform, assigned to the [REDACTED] District as a tactical officer, working Beat [REDACTED]. Officer Loring explained that he was initially working with Officer Demenyon Meeks. When Officer Meeks went to lunch, he started working with Officers Taylor and Lanier. Once assigned to work with Officers Taylor and Lanier, Officer Loring became the driver officer of an unmarked Ford Explorer. Officer Lanier provided a statement consistent with that of Officers Taylor and Lanier regarding why they traveled to the [REDACTED] Street.

Officer Loring added that he turned east on [REDACTED] and observed an officer, Officer Ritchey, running westbound on the sidewalk. Officer Ritchey was also pointing westbound, which Officer Loring understood to mean there was an offender in that direction. Officer Loring stated that he stopped the vehicle. Officers Taylor and Lanier exited the vehicle and headed northbound. Officer Loring made a three-point turn intending to go west to [REDACTED] from where he knew he could turn into the alley ([REDACTED]). Officer Loring explained that as he finished his three-point turn, he heard approximately eight gunshots in rapid succession. He subsequently heard Officer Taylor report over the radio shots fired by the police.

²⁰ *Id.*, page 27, lines 20-23.

²¹ *Id.*, page 35, lines 21-23.

²² Officer Lanier did not know how many shots he heard before firing his weapon but stated that it was more than one gunshot.

²³ Atts. 59, 104.

When Officer Loring entered [REDACTED], he observed officers near a fence at [REDACTED]. Officer Loring exited his car, briefly spoke to the officers and asked if they were okay. Officer Loring then ran back to his car to get QuickClot, which is a product to stop bleeding. Officer Loring explained that upon entering the yard, he saw other officers in the yard and Mr. [REDACTED] laying on the ground, appearing to be bleeding from multiple gunshot wounds to his chest and back. Officer Loring observed a black semi-automatic handgun next to Mr. [REDACTED] and an officer standing over the firearm. Officer Loring applied the QuickClot to Mr. [REDACTED] wounds.

In a **statement to COPA** on August 15, 2018, **Officer Michael Guzman, #15911**,²⁴ stated that on the date of the incident, he was in full uniform, assigned to Beat [REDACTED], working with Officer Michael Donnelly. Officer Guzman stated that he and his partner were assigned a marked CPD vehicle, working standard patrol. He and Officer Donnelly were on patrol in the southern end of the district when they heard a call over the radio of a person with a gun. Officer Guzman explained that he and Officer Donnelly started heading north toward the location of incident. As they were driving to the location, Officers Guzman and Donnelly heard reports of a foot chase over the radio, at which point they activated their lights and sirens.

Upon arriving at the area where the foot chase was occurring, Officers Guzman and Donnelly attempted to engage in the foot pursuit based on the directions given over the radio. Officer Donnelly initially made a wrong turn on a nearby street. When they turned onto [REDACTED], they heard a call of shots fired by police over the radio. Officer Guzman stated he did not hear the gunshots himself. Officer Guzman stated that he exited the vehicle at approximately the middle east end of the block, while Officer Donnelly drove the vehicle to the corner of [REDACTED] before getting out. Officer Guzman explained that citizens waved them down and pointed them in the direction of the foot pursuit. Officer Guzman and Donnelly hopped a couple of fences and eventually arrived at the yard where the incident occurred.

According to Officer Guzman, he saw Mr. [REDACTED] laying on the ground with apparent injuries, and a handgun nearby. Officer Guzman also stated that Officer Taylor was in the yard requesting an ambulance.

In a **statement to COPA** on August 15, 2018, **Officer Michael Donnelly, #13784**,²⁵ provided essentially the same information as his partner, Officer Guzman. Officer Donnelly reported that he heard the radio call of shots fired by police as they approached [REDACTED] but that he did not hear the gunshots himself. When they arrived in the yard where the shooting occurred, Officer Donnelly saw Mr. [REDACTED] lying face-down on the ground. Mr. [REDACTED] was handcuffed and had what appeared to be blood on the back of his white shirt.

In statement to COPA on October 1, 2019, Officer Vito Raimondi, #5879,²⁶ stated that on the date of incident, he was assigned to work with Officers Joseph Roman and Robert Michalski. According to Officer Raimondi, he and his partners responded to the location of incident for a “man with a gun” call. Officer Raimondi explained that one of the units on his team,

²⁴ Atts. 65, 106.

²⁵ Atts. 83, 107

²⁶ Atts. 116, 117

Beat [REDACTED],²⁷ reported over the radio that they observed a person matching the description of the subject. As they were driving to the location, Officer Raimondi heard Officer Whalen report a foot pursuit with the subject, now known to be Mr. [REDACTED] through the alley off [REDACTED].

Upon arriving at the alley, Officer Raimondi observed Officer Whalen chasing Mr. [REDACTED] who was carrying a gun in his right hand. Officer Raimondi then saw Mr. [REDACTED] jump a black wrought iron fence from the alley into the rear yard of [REDACTED]. Officers Raimondi and Michalski exited the vehicle, while Officer Roman parked the car west of their location. When Officer Raimondi arrived at the fence line,²⁸ it appeared that Mr. [REDACTED] had fallen. As Mr. [REDACTED] stood up, he was facing south, towards [REDACTED], with the gun in his right hand and turned west, to his right, with his arm extended. At this point, Officer Raimondi was also facing [REDACTED]. Officer Raimondi then heard words to the effect of, "Drop it. Drop it." Or "Drop the gun. Drop the gun."²⁹ Approximately one second later, Officer Raimondi heard four to six shots. Officer Raimondi stated that at that moment, he did not know who fired the gunshots.

According to Officer Raimondi, he and his partners were unsure who was in the yard. They moved towards the garage and saw Mr. [REDACTED] on the ground. They then saw two officers, now known to be Officers Taylor and Lanier, move towards Mr. [REDACTED]. Afterwards, Officer Ritchey jumped the fence in order to render aid to Mr. [REDACTED].

b. Digital Evidence³⁰

The **Office of Emergency Management and Communication (OEMC) Event Queries³¹** and **police radio transmissions³²** document that on the date of the incident, at approximately 7:56 pm, an unidentified male called 911 to report a black male wearing an orange hat, white t-shirt, beige pants, and beige Timberland boots with a gun. The caller stated that the male parked a [REDACTED] Buick at [REDACTED] and walked toward the corner of [REDACTED] and [REDACTED]. At approximately 8:00 pm, the dispatcher notified CPD units of a person with a gun at [REDACTED]. The dispatcher repeated the description and reported that the male had a gun in his pocket, near a [REDACTED] Buick, and was walking eastbound. At approximately 8:02 pm, [REDACTED] notified dispatch to assign the call to his beat and asked for the description of the person. Beat [REDACTED] responded and said he observed the subject at [REDACTED] and would be conducting a stop on him. An unidentified unit responded and stated that he could see his pockets. The same officer immediately reported a foot chase of the subject. The unit provided the route of the foot chase and informed the dispatcher that the subject hopped a fence. There was a subsequent report of shots fired by the police and a request for an ambulance.

²⁷ Officers Ritchey and Whalen were assigned to this beat.

²⁸ Officer Raimondi explained that Officer Whalen was to his left and Officer Michalski was to his right.

²⁹ Statement of Officer Raimondi, page 14, lines 5-6.

³⁰ Officers Ritchey and Whalen reported that the in-car camera in their assigned vehicle was not functioning on the date of the incident. According to the officers, the non-functioning camera had already been reported to the Department.

³¹ Att. 9.

³² Att. 46.

Video footage was obtained from **Officer Taylor's Body Worn Camera (BWC)**.³³ The recording starts at 8:04 pm and is 4:10 minutes in length. The audio picks up 17 seconds into the recording.³⁴ It depicts Officer Taylor's movements as he went through a rear yard and hopped a fence into an adjacent yard. A male wearing an orange hat, white t-shirt, beige pants, and beige Timberland boots, Mr. ██████ is visible running through the yard from the alley, falling on the grass and landing on his hands and knees. Mr. ██████ gets up, appearing to struggle as he does so. Mr. ██████ has a firearm in his right hand as he gets up. He appears to be holding the firearm loosely, with only a couple of fingers holding it. He takes approximately five steps before falling on his back. At approximately 00:18 into the video, an officer is heard announcing shots fired by the police and requesting an ambulance.³⁵ He also asked for the address of the house where the incident occurred. A second officer, now identified as Officer Lanier, is visible hopping the fence into the yard. Other officers are in the alley, which is separated from the yard by a chain link fence, attempting to gain access into the yard. The officers turn Mr. ██████ on his stomach and handcuff him behind his back. Officers Taylor and Lanier go into the alley before the BWC stops recording.

Evidence Technician photographs depict the scene, evidence recovered, the body of Mr. ██████ on a gurney and Officers Taylor and Lanier.³⁶

c. Physical Evidence

The **Chicago Fire Department's (CFD) Ambulance Report** documents that Ambulance ██████ was dispatched at 8:05 pm on July 3, 2018 and arrived at ██████ at 8:09 pm.³⁷ Upon arrival to the back yard, CFD personnel observed multiple CPD members on scene and Engine ██████ cutting the fence for access into the yard with a stretcher. Paramedics found the patient, Mr. ██████ laying on his stomach with his head turned to the side, handcuffed behind his back. QuickClot and bandages had been applied by CPD prior to CFD's arrival. Paramedics observed a weapon on the ground to the left of Mr. ██████. No spontaneous respirations were noted, and Mr. ██████ was asystole (indicating no electrical activity from the heart) on the monitor. Multiple gunshot wounds (GSW) were noted; 2 holes in the back, 3 to 4 holes in the chest and abdomen. Mr. ██████ was transported to John H. Stroger, Jr. Hospital trauma without incident or change in status.

³³ Att. 8. COPA also obtained BWC recordings from responding officers, which only captures the events that occurred after the officer-involved shooting incident. Officer Jeremy Carter's BWC captured him stating words to the effect of, "I knew this was going to happen," while he was en route to the area. On December 19, 2018, Officer Carter provided a statement to COPA in which he stated that he made that comment because, based on his experience as a police officer, the longer foot pursuits last, the higher the likelihood of it resulting in a shooting. (Atts. 98, 99).

³⁴ The BWCs used by CPD continuously record video in what is referred to as a buffer period. At the time of this incident, the buffer period was set to record over itself after 30 seconds. When activated, the cameras roll back and include 30 seconds of video, but no audio, prior to the activation. Officer Taylor's camera only included 17 seconds of this buffer period, possibly because the camera itself was not on prior to that. The weapon discharge was captured in that 17-second buffer period, which means there is no audio recording of it.

³⁵ This is the first audible part of the recording; the shots themselves are not heard.

³⁶ Att. 28.

³⁷ Att. 51. Officers Lanier and Taylor were triaged on scene by CFD due to shortness of breath. Both officers were administered morphine and transported to separate hospitals. COPA obtained their records from the hospitals.

Medical Records from Stroger Hospital for Mr. ██████ document that he was admitted to the Emergency Department at 8:32 pm. on July 3, 2018, as Xavier Unknown Trauma.³⁸ It was determined that Mr. ██████ had seven gunshot wounds. He was pronounced dead at 8:34 pm.

The **Report of Post Mortem Examination** from the **Office of the Medical Examiner** of Cook County documents the post mortem examination of Mr. ██████ was conducted on July 5, 2018 at 7:35 am. by Doctor ██████.³⁹ The report documents multiple gunshot wounds, none of which indicate firing from a close range, including the following:

- A penetrating gunshot wound to the right side of the back; the wound path was directed from back to front, right to left, and upwards. A deformed gray metal projectile with a copper-colored jacket was recovered from the soft tissues of the left axilla.
- A perforating gunshot wound to the lower left side of the back; the wound path was directed from left to right and upwards. The exit corresponding gunshot wound was located on the right side of the back.
- A penetrating gunshot wound to the left elbow; the wound path was directed from back to front, slightly right to left (medial to lateral), and slightly downwards. Two gray metal projectile fragments and two copper-colored jacket fragments were recovered from the soft tissues of the left forearm.
- A penetrating gunshot wound to the lower right side of the back; The wound path was directed from back to front, left to right, and upwards. A deformed gray metal projectile with a copper-colored jacket was recovered from the soft tissues of the lateral aspect of the right side of the chest.
- A penetrating gunshot wound to the right side of the chest; the wound path was directed from right to left and downwards. A deformed gray metal projectile with a copper-colored jacket was recovered from the soft tissues of the anterior left side of the abdomen.
- A penetrating gunshot wound to the left side of the abdomen; the wound path was directed from slightly front to back, left to right, and slightly downwards. A deformed gray metal projectile with a copper-colored jacket was recovered from the omentum.

Other injuries noted were abrasions to Mr. ██████ left side of the forehead, the right elbow, and the bilateral knees.

The postmortem toxicology revealed positive results for ethanol (BAC .093 g/dL) and Delta-9 THC⁴⁰ and metabolites.⁴¹ The cause of death is listed as multiple gunshot wounds. The manner of death is listed as homicide.

Breathalyzers were conducted on both officers with results of .000. The drug test was not administered due to the morphine administration. (Atts. 20, 87, 88, 110, 111).

³⁸ Att. 109.

³⁹ Att. 89.

⁴⁰ Tetrahydrocannabinol, the active component of marijuana.

⁴¹ The report defines Delta-9 THC as the active ingredient in marijuana, which rapidly leaves the blood and falls to below detectable levels within hours. 11-Hydroxy Delta-9 THC is an active intermediate metabolite of THC. Delta-9 carboxy THC is an inactive metabolite of THC, which may be present in the blood for up to one day or more after use. The report further noted that Delta-9 THC and Delta-9 Carboxy THC may be detectible longer in chronic users.

Crime Scene Processing Reports document that Evidence Technicians (ETs) were assigned to process the scene of this incident, which consisted of taking digital photographs and video of the scene, taking photographs of the evidence that was identified, and taking photographs of Mr. [REDACTED] and Officers Taylor and Lanier.⁴² Field measurements were taken of the evidence/scene, fingerprints of Mr. [REDACTED] were taken at the hospital, and ETs recovered and inventoried the evidence under RD # [REDACTED]. A drawing (also referred to as a plat) of the scene was also created.

The evidence included but is not limited to Officers Lanier and Taylor's firearms and the weapon Mr. [REDACTED] was observed holding. Officer Lanier's firearm, a Glock 17 semi-automatic handgun, contained one (1) live round in the chamber and 15 live rounds in the magazine (17-round capacity). Officer Taylor's firearm, a Glock 17 semi-automatic handgun, contained one (1) live round in the chamber and nine (9) live rounds in the magazine (17-round capacity). Mr. [REDACTED] firearm, a Taurus 9mm semi-automatic handgun contained an unknown number of rounds in the magazine (17 round-capacity).

Six (6) fired cartridge casings were recovered at [REDACTED] and two (2) fired cartridge casings were recovered at [REDACTED]. An additional fired cartridge casing was later recovered at [REDACTED].⁴³

Illinois State Police (ISP) Laboratory Reports for Laboratory Case # [REDACTED] document that the Illinois State Police test fired the two Glock Model 17 firearms belonging to the officers and the Taurus Model PT24/7 firearm recovered next to Mr. [REDACTED].⁴⁴ All three semi-automatic pistols were operable, and test fired. Four fired bullets, two fired bullet jackets fragments, and two metal fragments were tested and could not be identified or eliminated as having been fired from the Glock 17 firearms. One metal fragment was unsuitable for further microscopic comparison. Seven Winchester brand 9 mm Luger +P caliber fired cartridge cases were determined to have been fired from Officer Taylor's pistol. Two Winchester brand 9 mm Luger +P caliber fired cartridge cases were determined to be fired from Officer Lanier's pistol. The Taurus Model PT24/7 firearm, magazine, and seventeen (17) live cartridges revealed no latent impressions suitable for comparison.

⁴² Atts. 11, 12, 94, 95.

⁴³ Officer Lanier is believed to have fired two rounds and Officer Taylor is believed to have fired eight times. One fired cartridge casing was apparently not recovered.

⁴⁴ Atts. 93, 101, 102.

d. Documentary Evidence

The **COPA Preliminary Report**,⁴⁵ the **CPD's Major Incident Notification (MIN) Report**,⁴⁶ the **Investigatory Stop Search Report (ISR)**,⁴⁷ and the **Case Supplementary Report**⁴⁸ contain information identified and obtained in the preliminary stages of the investigation, which is consistent with information gathered throughout the investigation.

Officer Lanier's **Tactical Response Report (TRR)** documents that Mr. ██████ did not follow verbal direction, fled, was an imminent threat of battery with a weapon (semi-automatic pistol), and used force likely to cause death or great bodily harm.⁴⁹ Officer Lanier responded with member presence, verbal direction/control techniques, tactical positioning, additional unit members, emergency handcuffing, and by discharging his firearm two (2) times.

Officer Taylor's **Tactical Response Report (TRR)** documents that Mr. ██████ did not follow verbal direction, fled, was an imminent threat of battery with a weapon (semi-automatic pistol), and used force likely to cause death or great bodily harm.⁵⁰ Officer Taylor responded with member presence, verbal direction/control techniques, tactical positioning, additional unit members, emergency handcuffing, and by discharging his firearm eight (8) times.

Detective Supplementary Reports document information consistent with the material contained in this report. Additionally, CPD detectives interviewed Officers Vito Raimondi, Robert Michalski, and Joseph Roman.⁵¹ The officers responded to the location of incident after hearing a radio broadcast of a person with a gun call. The officers participated in a portion of the foot pursuit and observed Mr. ██████ with a handgun in his right hand. After the incident, detectives conducted a canvass of the area where they spoke to several civilians who stated that they either did not witness the incident, they saw the foot pursuit, and/or they only heard gunfire.

Chicago Police Department Training Records for Officer Lanier reflect that Officer Lanier last received Use of Force Training on July 21, 2017 and Body Worn Camera Roll Call Training on June 5, 2017.⁵²

Chicago Police Department Training Records for Officer Taylor reflect that Officer Taylor last received Use of Force Training on August 9, 2017 and Body Worn Camera Roll Call Training on August 22, 2016, July 24, 2016, and June 6, 2017.⁵³

⁴⁵ Att. 4.

⁴⁶ Att. 22.

⁴⁷ Att. 56.

⁴⁸ Att. 5.

⁴⁹ Att. 6. Sgt. Karl Kruger, #1505, completed this report for Officer Lanier. The discharging member's supervisor often completes TRRs on behalf of the member following an Officer-Involved Shooting.

⁵⁰ Att. 7. Sgt. Kruger completed this report for Officer Taylor.

⁵¹ Att. 100.

⁵² Att. 80.

⁵³ Att. 73.

VI. LEGAL STANDARD

a. Use of Deadly Force⁵⁴

The main issue in evaluating every use of force is whether the amount of force the officer used was objectively reasonable in light of the totality of the circumstances faced by the officer.⁵⁵ Factors to be considered in assessing the reasonableness of force include, but are not limited to, (1) whether the subject was posing an imminent threat to the officer or others; (2) the risk of harm, level of threat or resistance presented by the subject; and (3) the subject's proximity or access to weapons; (4) the severity of the crime at issue; (5) whether the subject is actively resisting arrest or attempting to evade arrest by flight.⁵⁶

The Department's "highest priority is the sanctity of human life."⁵⁷ Discharging a firearm is deadly force under Department policy.⁵⁸ Department policy dictates that "[t]he use of deadly force is a last resort that is permissible only when necessary to protect against an imminent threat to life or to prevent great bodily harm to the member or another person."⁵⁹ Thus, a Department member may use deadly force in only two situations. First, deadly force may be used to prevent death or great bodily harm from an imminent threat posed to the sworn member or another person. Second, deadly force may be used to prevent an arrest from being defeated by resistance or escape, where the person to be arrested poses an imminent threat of death or great bodily harm to a sworn member or another person unless arrested without delay."⁶⁰

The Department policy prohibits the use of force on a fleeing person unless "the subject poses an imminent threat."⁶¹ A threat is imminent when it is objectively reasonable to believe that:

- a. the subject's actions are likely to cause death or great bodily harm to the member or others unless action is taken; and
- b. the subject has the means or instruments to cause death or great bodily harm; and
- c. the subject has the opportunity and ability to cause death or great bodily harm."⁶²

Department policy recognizes that Department members must "make split-second decisions—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation. These decisions must therefore be judged based on the totality of the circumstances known by the member at the time and from the perspective of a

⁵⁴ On October 16, 2017, the Department materially modified its Use of Force policy. The Department's current Use of Force Policy prohibits the use of deadly force under circumstances that would be permissible under the Fourth Amendment to the United States Constitution and Illinois state law. COPA's analysis focuses solely on whether Officers Taylor and Lanier complied with General Order G03-02. COPA cites case-law solely for guidance on how to interpret common concepts or terms.

⁵⁵ General Order G03-02(III)(B)(1).

⁵⁶ *Id.*

⁵⁷ General Order G03-02(II)(A)

⁵⁸ General Order 03-02(III)(C)(1)

⁵⁹ General Order G03-02(III)(C)(3).

⁶⁰ *Id.*

⁶¹ General Order G03-02(III)(C)(4)

⁶² General Order G03-02(III)(C)(2).

reasonable Department member on the scene, in the same or similar circumstances, and not with the benefit of 20/20 hindsight.”⁶³

b. Body-Worn Camera

Special Order, S03-14, V, D and E, Body Worn Cameras, reads in part: “The Department member will activate the system to event mode at the beginning of an incident and will record the entire incident for all law-enforcement-related activities. If circumstances prevent activating the BWC at the beginning of an incident, the member will activate the BWC as soon as practical. Law-enforcement-related activities include but are not limited to: . . . foot and vehicle pursuits . . . any other instance when enforcing the law.”

c. Standard of Proof

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy. See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has been found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See *e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a “degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.” *Id.* at ¶ 28

⁶³ General Order G03-02(II)(D).

VI. ANALYSIS⁶⁴**a. Use of Deadly Force**

The evidence demonstrates that Officers Taylor and Lanier discharged their firearms at Mr. █████ eight and two times, respectively. Mr. █████ was struck six times: three (3) times to his back, one (1) time to his left elbow, one (1) time to his right side of his chest, and one (1) time to left side of the abdomen. As outlined below, a preponderance of the evidence demonstrates that Officers Taylor's and Lanier's decisions to discharge their firearms at Mr. █████ violated General Order 03-02 and were not objectively reasonable.

First, Officers Taylor and Lanier did not have probable cause to believe Mr. █████ had committed a forcible felony or any violent crime;

Second, Mr. █████ reasonably appeared to be incapacitated;

Third, Mr. █████ reasonably appeared to be attempting to flee; and

Fourth, Mr. █████ did not reasonably pose an imminent risk of death or great bodily to Officers Taylor or Officer Lanier.

1. Officers Taylor and Lanier Did Not Have Probable Cause to Believe Mr. █████ Had Committed a Forcible Felony or Any Violent Crime

Officers Taylor's and Lanier's use of force must be evaluated based on the information known to them at the time of the incident. Officers Taylor and Lanier knew extremely limited information about Mr. █████

Officers Taylor and Lanier responded to an anonymous 911 call of a man with a gun. The 911 caller did not report that the man had used the firearm or was otherwise engaged in criminal activity. A report of a man with a gun, in and of itself, does not indicate a crime has occurred. Under the Firearm Concealed Carry Act, it is lawful for a licensee to possess a concealed or partially concealed firearm in public subject to limited exceptions. *See* 430 ILCS § 66/1 et seq. Officers Taylor and Lanier were monitoring the radio and knew other Department members encountered a man matching the description reported by the 911 caller and engaged in a foot pursuit after the man fled. Officers Taylor and Lanier received updates on Mr. █████ whereabouts, but none of the officers pursuing Mr. █████ reported that Mr. █████ had used or threatened to use the firearm during the lengthy foot pursuit. A reasonable officer with police training would have accounted for the fact that no other Department member had reported Mr.

⁶⁴ COPA's administrative analysis substantially differs from a criminal law analysis. In criminal cases, the standard of proof is beyond a reasonable doubt, which is a significantly higher evidentiary standard than the preponderance of the evidence standard that applies to COPA's sustained administrative findings. Furthermore, COPA may rely on compelled statements of Officers Taylor and Lanier in its analysis, which would be inadmissible in a criminal case. *See Garrity v. New Jersey*, 385 U.S. 493 (1967). Finally, as outlined above, COPA's analysis focuses solely on whether Officers Taylor or Lanier complied with Department policy.

██████ using or threatening to use the firearm during the foot pursuit in evaluating the threat posed by Mr. ██████

Officers Taylor and Lanier subsequently encountered Mr. ██████ a man who matched the description of the 911 call, in the backyard of ██████, holding a handgun in his right hand. Officers Taylor and Lanier did not know Mr. ██████ criminal history or whether Mr. ██████ possessed a FOID Card and/or Concealed Carry License.

Based on this limited information, Officers Taylor and Lanier had probable cause to arrest Mr. ██████ for at least a misdemeanor, violating the Firearm Concealed Carry Act which requires licensees to fully or partially conceal their firearms in public.⁶⁵ Because Officers Taylor and Lanier did not know whether Mr. ██████ had a FOID Card or a Concealed Carry License, it is questionable whether Officers Taylor and Lanier had probable cause to arrest Mr. ██████ for a felony, unlawful possession of a weapon.⁶⁶ Even assuming Officers Taylor and Lanier had probable cause to arrest Mr. ██████ for unlawful possession of a weapon, Officers Taylor and Lanier did not have probable cause to believe that Mr. ██████ had committed any forcible felony⁶⁷ or had otherwise engaged in any criminal activity. A reasonable officer with police training would have accounted for the fact that the crime at issue was mere possession of a firearm⁶⁸ when evaluating the threat Mr. ██████ posed.

2. Mr. ██████ Reasonably Appeared to be Incapacitated

Mr. ██████ reasonably appeared to be incapacitated when Officers Taylor and Lanier encountered Mr. ██████ in the backyard of ██████. Officers Taylor and Lanier encountered Mr. ██████ after he fell and was on the ground on his hands and knees.⁶⁹ Officer Taylor's BWC footage demonstrated that Mr. ██████ struggled to stand up and then staggered while moving in a southeasterly slant towards ██████. Furthermore, the manner in which Mr. ██████ was holding the firearm reasonably indicated Mr. ██████ was incapacitated to some degree. Specifically, the firearm was dangling from Mr. ██████ right hand in a manner indicating Mr. ██████ had a tenuous grip on the firearm.

⁶⁵ See 430 ILCS § 66/10(c)(1) & 430 ILCS § 66/70(e).

⁶⁶ See 720 ILCS § 5/24-1.1. Officers Taylor and Lanier did not know Mr. ██████ had previously been convicted of a felony during the incident. Certainly, Officers Taylor and Lanier could have lawfully detained Mr. ██████ to investigate his license status based on the facts available to them, including Mr. ██████ flight while openly carrying a firearm. See, e.g., *People v. Thomas*, 2019 IL App (1st) 170474.

⁶⁷ Under Illinois law, a forcible felony "means treason, first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, robbery, burglary, residential burglary, aggravated arson, arson, aggravated kidnaping, kidnaping, aggravated battery resulting in great bodily harm or permanent disability or disfigurement and any other felony which involves the use or threat of physical force or violence against any individual." 720 ILCS § 5/2-8.

⁶⁸ To be clear, COPA recognizes that gun violence is a serious issue in the City of Chicago. Nonetheless, mere possession of a firearm is materially different from a foot pursuit of an individual who officers reasonably believe has discharged their firearm, threatened to discharge their firearm, or otherwise committed a forcible felony. "An officer does not possess the unfettered authority to shoot a member of the public simply because that person is carrying a weapon." *Cooper v. Sheehan*, 735 F.3d 153, 159 (4th Cir. 2013).

⁶⁹ Officer Taylor noted that Mr. ██████ was clearly "out of breath" and on all fours when he first encountered him. Att. 91 at Page 32.



Figure 1: Mr. [REDACTED] holding the gun.

A reasonable officer with police training would have accounted for Mr. [REDACTED] apparent incapacitation when evaluating the threat posed by Mr. [REDACTED]

3. Mr. [REDACTED] Reasonably Appeared to be Fleeing

Mr. [REDACTED] actions were consistent with an individual fleeing and attempting to escape. As noted above, Officers Taylor and Lanier were monitoring the radio and knew that other Department members had pursued Mr. [REDACTED] for over a minute. Officers Taylor and Lanier received no reports of Mr. [REDACTED] using or threatening to use the firearm he possessed.

Officers Taylor and Lanier encountered Mr. [REDACTED] in the backyard to [REDACTED]. Officer Taylor described Mr. [REDACTED] options during his statement to COPA. Officer Taylor explained that the only options for Mr. [REDACTED] were to jump the fence toward [REDACTED] (*i.e.* head west), where he would be confronted by Officer Lanier;⁷⁰ to move in Officer Taylor's direction in order to hop the fence back toward the alley (*i.e.* head north); or to hop the fence to the east of [REDACTED] (*i.e.* head east). According to Officer Taylor, the last option was the only one available if Mr. [REDACTED] intention was to simply run away from the officers.⁷¹ Officer Taylor stated that Mr. [REDACTED] started moving in a southbound direction but there was nowhere for

⁷⁰ Officer Lanier was standing south of a tree located in the yard at [REDACTED].

⁷¹ Att. 92 at Pages 33, 38-41.

him to go because his exit was obstructed by the building in front of him.⁷² Officer Lanier stated that Mr. ██████ was moving towards ██████ (*i.e.* heading south) moving parallel with him, facing his direction, while moving his arms with a firearm in his hand.⁷³ Officer Lanier and Officer Taylor stated that Officer Lanier was standing slightly south of the tree in the backyard of ██████.

Officers Taylor's and Lanier's accounts are contradicted by Officer Taylor's BWC footage. Officer Taylor's BWC shows that as Mr. ██████ got up off the ground, he moved on a slant primarily southeasterly towards the backyard of ██████. In any event, Mr. ██████ did not in any way move towards Officer Taylor, who was northwest of Mr. ██████ position in the backyard of ██████, or towards Officer Lanier who was in the backyard of ██████ west of Mr. ██████ position. Mr. ██████ actions were entirely consistent with an individual continuing to attempt to flee from police and not with an individual intending to engage in an armed confrontation with police officers. (Figures 2-8 below depict Mr. ██████ path through the yard.)

⁷² A door/gate was located on the southeast portion of the backyard of ██████. Officers Taylor and Lanier noted that the door/gate was locked, but there is no evidence that Mr. ██████ would have known that. Similarly, Officers Taylor and Lanier had no basis to know that prior to the shooting. Indeed, Officer ██████ expressly admitted he learned the door/gate was locked after the incident, and Officer Taylor stated he had never been to ██████ before. *See* Att. 91 at Page 14; Att. 92 at Page 44.

⁷³ Att. 92 at Pages 25-27, 35. Officer Lanier also stated that Mr. ██████ could not get to the front yard because of a "gate" and stated he had no "no clue" what Mr. ██████ was trying to do. *Id.* at Pages 25-26, 43-47.



Figure 2



Figure 3



Figure 4



Figure 5



Figure 6



Figure 7



Figure 8

The Department policy expressly prohibits the use of force on a fleeing person unless the subject poses an imminent threat. A reasonable officer with police training would have accounted for Mr. [REDACTED] apparent action to merely flee and the fact that Mr. [REDACTED] had not used the firearm on other Department members earlier during the foot pursuit.

4. Mr. [REDACTED] Did Not Reasonably Pose an Imminent Threat to Officers Taylor or Lanier

A threat is imminent when it is objectively reasonable to believe that:

- a. the subject's actions are likely to cause death or great bodily harm to the member or others unless action is taken; and
- b. the subject has the means or instruments to cause death or great bodily harm; and
- c. the subject has the opportunity and ability to cause death or great bodily harm."⁷⁴

A preponderance of the evidence demonstrates that Department members including Officers Taylor and/or Lanier gave commands to Mr. [REDACTED] to stop and to drop the firearm.⁷⁵ A preponderance of the evidence also demonstrates that Mr. [REDACTED] did not drop the firearm and was holding the firearm in his right hand at the time Officers Taylor and Lanier discharged their

⁷⁴ General Order G03-02(III)(C)(2).

⁷⁵ There is no audio of the incident. However, numerous Department members reported hearing Department members order Mr. [REDACTED] to drop the firearm immediately prior to hearing gunshots. *See, e.g.*, Att. 100. COPA finds their accounts credible in part because numerous civilians reported hearing loud shouting prior to the shooting. *See* Atts. 17, 18, 100.

firearms at him.⁷⁶ Therefore, it is clear that Mr. ██████ had the means and instruments to cause death or great bodily and the opportunity and ability to cause death or great bodily harm.⁷⁷

Thus, the primary issue is whether it was objectively reasonable for Officers Taylor and Lanier to believe that Mr. ██████ actions were likely to cause death or great bodily harm unless action was taken in light of the totality of the circumstances confronting them.

COPA recognizes the inherent risks Department members face when pursuing subjects who are holding firearms and that these circumstances require officers to make split-second decisions—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation. A subject holding a firearm could potentially shoot at an officer at any point during a foot pursuit. Nonetheless, Department policy cannot and does not permit Department members to use deadly force on any subject who refuses to drop a firearm while fleeing. “An officer does not possess the unfettered authority to shoot a member of the public simply because that person is carrying a weapon. Instead, deadly force may only be used by a police officer when, based on a reasonable assessment, the officer or another person is threatened with the weapon.”⁷⁸ A reasonable officer with police training would recognize that many subjects flee with firearms in their hand with the intention of discarding the firearm in order to escape and avoid criminal liability. Therefore, Department members must evaluate the risk posed by a subject’s actions based on the totality of the information available to them. While Department policy does not necessarily require that a Department member wait for a subject to point a firearm in their direction prior to discharging their firearm, there must be some objectively reasonable⁷⁹ basis for the Department member to believe the subject’s actions are likely to cause death or great bodily harm to the Department member or another person unless action is taken (*i.e.* the subject poses an imminent threat). Furthermore, Department policy dictates that “[t]he use of deadly force is a *last resort* that is permissible only when necessary to protect against an imminent threat to life or to prevent great bodily harm to the member or another person.”⁸⁰

In the instant case, a preponderance of the evidence⁸¹ demonstrates neither Officer Taylor nor Officer Lanier had an objectively reasonable belief that Mr. ██████ actions were likely to cause death or great bodily harm to the member or others unless action was taken in light of the totality of the circumstances confronting them. To find otherwise would permit Department members to use deadly force in almost any situation where a person does not comply with commands and flees with a firearm in their hand.⁸²

⁷⁶ Officer Taylor’s BWC footage clearly shows Mr. ██████ holding a firearm. *See* Att. 8.

⁷⁷ *See* General Order G03-02(III)(C)(2).

⁷⁸ *Cooper v. Sheehan*, 735 F.3d 153, 159 (4th Cir. 2013) (emphasis in original). *See also Curnow v. Ridgecrest Police Agency*, 952 F.2d 321, 324-25 (9th Cir. 1991).

⁷⁹ The relevant standard is objective reasonableness. Therefore, the subject’s (and Officers Taylor’s and Lanier’s) actual subjective intentions are irrelevant. Objectively reasonable mistakes do not violate Department policy.

⁸⁰ General Order G03-02(III)(C)(3).

⁸¹ COPA notes that it applies the preponderance of the evidence standard for its administrative findings. The preponderance of the evidence requires only that it is more likely than not that the proposition is true.

⁸² COPA firmly believes that Department policy cannot and does not permit this. To the extent the Department disagrees, it should state so directly.

i. Officer Taylor Did Not Have Objectively Reasonable Belief That Mr. ██████ Actions Were Likely to Cause Death or Great Bodily Harm to Himself or Others Unless Action Was Taken

Officer Taylor asserted that he discharged his firearm at Mr. ██████ after Mr. ██████ started to make a slight shoulder/head movement to his right toward Officer Lanier.⁸³ Officer Taylor stated this movement occurred at approximately nine seconds into his body worn camera footage (approximately at T01:04:42Z). Later during his statement while reviewing his body worn camera footage, Officer Taylor asserted Mr. ██████ pointed the firearm in his direction at approximately eight and half seconds into his body worn camera footage (approximately at T01:04:41Z).⁸⁴ Officer Taylor stated he discharged his weapon at Mr. ██████ in order to stop the threat Mr. ██████ posed to Officer Lanier and himself.⁸⁵ Officer Taylor stated he had a clear view of Mr. ██████⁸⁶ Officer Taylor noted that Mr. ██████ had numerous opportunities to drop the firearm but failed to comply.

Officer Taylor's purported observations are contradicted in part by his BWC footage and Mr. ██████ bullet wounds. Officer Taylor's BWC footage does not show Mr. ██████ looking in the direction of either Officer Taylor or Officer Lanier or making any sudden movements towards Officers Taylor or Lanier. Officer Taylor asserted that Mr. ██████ looked at Officer Lanier at approximately nine seconds into his BWC footage.⁸⁷ However, Officer Taylor's BWC footage demonstrates Mr. ██████ was looking either directly south or towards the southwestern portion of the backyard of ██████, and not towards Officer Lanier, who was west of Mr. ██████ and standing slightly south of the tree in the middle of the backyard of ██████. It was objectively unreasonable for Officer Taylor to believe Mr. ██████ was looking at Officer Lanier.⁸⁸

⁸³ Att. 91 at Pages 41-43.

⁸⁴ Officer Taylor only referenced this when reviewing his BWC footage during his statement to COPA and did not reference this as a justification for his use of deadly force in the beginning portion of his statement. Officer Taylor had numerous opportunities to review his BWC footage with his attorney, his union representative, and Officer Lanier prior to providing his statement. COPA does not find it credible that Officer Taylor observed this brief movement of the firearm in real time during the incident. Regardless, as explained below, even assuming *arguendo* Officer Taylor did observe this brief movement of the firearm during the incident, it was not objectively reasonable to believe that Mr. ██████ actions were likely to cause death or great bodily harm to the Department member or another person unless action was taken. COPA also does not find credible that Officer Taylor observed Mr. ██████ finger on the trigger.

⁸⁵ *Id.*

⁸⁶ *Id.* at Pages 36

⁸⁷ Att. 91 at Pages 65-66.

⁸⁸ Officer Taylor stated he observed Officer Lanier's position, slightly south of the tree, and therefore knew or should have known that Mr. ██████ was not looking at Officer Lanier. *See* Att. 91 at Pages 40-41. Officer Lanier stated he was parallel with Mr. ██████ at the time he discharged his firearm. Officer Lanier is not visible in Officer Taylor's BWC footage which shows the backyard of ██████ and part of the southeastern portion of the backyard of ██████. *See* Att. 8 at T01-04-41Z through T01:04:44Z.

While the firearm Mr. [REDACTED] was holding in his right hand moved somewhat during the encounter, including momentarily backwards,⁸⁹ the movement of Mr. [REDACTED] firearm was inherent to Mr. [REDACTED] running motion. Importantly, during this portion of the pursuit, Mr. [REDACTED] firearm was dangling from his right hand and was not being held in a manner consistent with Mr. [REDACTED] imminently discharging the firearm. Furthermore, Mr. [REDACTED] was looking south/southwesterly at this point of the encounter and not even remotely towards Officer Taylor when this movement occurred, making the movement significantly less threatening. Furthermore, the firearm is not pointing towards Officer Taylor who was northwest of Mr. [REDACTED] position.⁹⁰



Figure 9: Mr. [REDACTED] firearm momentarily pointed backward toward the alley.

⁸⁹ COPA notes that the gun is pointed toward the alley, which is to the left of the camera's view. It is not pointed toward either Officer Taylor or Officer Lanier.

⁹⁰ Officer Raimondi stated that Mr. [REDACTED] had the firearm in his right hand and turned west, to his right, with his arm extended. Officer Taylor's BWC footage directly contradicts Officer Raimondi's account.

When Mr. ██████ made the purported movement towards Officer Lanier at approximately nine seconds into Officer Taylor's BWC footage—the movement that Officer Taylor asserted ultimately prompted him to discharge his firearm at Mr. ██████—firearm was pointed either backwards or towards the ground. Mr. ██████ wounds, as described in the Medical Examiner's report, are also inconsistent with Mr. ██████ turning his body towards Officer Lanier (*i.e.* turning his body to his right) at the time he was shot. Mr. ██████ had three bullet wounds to his back, one to his left elbow with a wound path directed back to front and slightly right to left and downwards, one to the right side of his chest with a wound path directed from right to left and downwards, and one to the left side of his abdomen with a wound path slightly front to back, left to right, and slightly downwards. Mr. ██████ bullet wounds are consistent with Mr. ██████ facing southward (*i.e.* his body was facing forward) or with him getting shot while rolling over on the ground.⁹¹

Officer Taylor was required to evaluate whether Mr. ██████ posed an imminent threat based on the totality of the circumstances confronting him, which included (1) he did not have probable cause to believe Mr. ██████ had committed a forcible felony or any violent crime; (2) Mr. ██████ reasonably appeared to be incapacitated; and (3) Mr. ██████ reasonably appeared to be attempting to flee. COPA finds that Officer Taylor had an insufficient basis to form an objectively reasonable belief that Mr. ██████ would cause death or great bodily harm unless Officer Taylor *immediately* used deadly force to eliminate the threat. Therefore, Mr. ██████ did not pose an imminent threat as required by Department policy as a precondition to the use of deadly force.

COPA notes that Officers Ritchey and Whalen pursued Mr. ██████ under extremely similar circumstances as Officer Taylor and did not discharge their firearms at Mr. ██████. Although no video of this portion of the incident exists, Officers Ritchey and Whalen described Mr. ██████ as running with a firearm in his hand despite their numerous orders for him to drop the weapon. They also noted that Mr. ██████ dropped the firearm and picked it back up during their portion of the foot pursuit. Indeed, Officers Ritchey and Whalen also observed Mr. ██████ pull the firearm from his waistband as they were chasing him at a short distance, an action that was more threatening than Mr. ██████ simply continuing to flee with a firearm in his hand.⁹²

For these reasons, COPA finds that Officer Taylor fired at or in the direction of Mr. ██████ in violation of General Order 03-02 and sustains Allegation #1 against Officer Taylor.

⁹¹ See Att. 89. COPA recognizes that entrance #5 as labeled on ME report indicates Mr. ██████ was wounded to the right side of his chest. However, the wound path was directly right to left (*i.e.* not on an angle) and downwards which is inconsistent with Mr. ██████ turning to his right towards Officer Lanier. It is consistent with Mr. ██████ being perpendicular to the officer who fired this shot.

⁹² Mr. ██████ pulling the firearm from his waistband was more threatening because Mr. ██████ intentions were entirely unclear at this point of the encounter. Mr. ██████ could have been pulling the firearm because he intended to imminently use it on the pursuing officers. However, as Mr. ██████ continued to merely flee with the firearm in his hand, any belief that Mr. ██████ intended to imminently use the firearm became less reasonable in the absence of any additional specific threatening actions by Mr. ██████

ii. Officer Lanier Did Not Have Objectively Reasonable Belief That Mr. [REDACTED] Actions Were Likely to Cause Death or Great Bodily Harm to Himself or Others Unless Action Was Taken

Officer Lanier stated he observed Mr. [REDACTED] moving toward the front of the yard, toward [REDACTED], but facing Officer Lanier. Officer Lanier stated there was no exit route toward the front because the gate was connected to the house.⁹³ Officer Lanier explained that he was parallel to Mr. [REDACTED] “in the line of fire,”⁹⁴ and given that he was standing behind a chain-link fence, there was nothing that would have stopped him from “taking a bullet.”⁹⁵ Officer Lanier described Mr. [REDACTED] as “moving parallel with me, facing my direction, firearm in hand, moving, and arms moving as well, with a gun in his hand.”⁹⁶ Officer Lanier stated that he then heard gunshots. Officer Lanier did not immediately know where those gunshots were coming from. Officer Lanier did not see Mr. [REDACTED] raise the gun, but stated Mr. [REDACTED] was looking at Officer Lanier and had a gun in his hand. In response, Officer Lanier discharged his own weapon in Mr. [REDACTED] direction.

Officer Lanier’s statement is contradicted in part by Officer Taylor’s BWC footage. As explained above, Officer Taylor’s BWC footage demonstrates that as Mr. [REDACTED] got up off the ground, he moved on a slant primarily southeasterly towards the backyard of [REDACTED]. Mr. [REDACTED] did not look directly to his west towards Officer Lanier, and the firearm was dangling from his right hand and pointed either backwards or towards the ground. Mr. [REDACTED] does not raise the firearm or make any material arm/hand movement towards Officer Lanier.

Officer Lanier was required to evaluate whether Mr. [REDACTED] posed an imminent threat based on the totality of the circumstances confronting which included (1) he did not have probable cause to believe Mr. [REDACTED] had committed a forcible felony or any violent crime; (2) Mr. [REDACTED] reasonably appeared to be incapacitated; and (3) Mr. [REDACTED] reasonably appeared to be attempting to flee. Officer Lanier had an unobstructed view of Mr. [REDACTED] and Mr. [REDACTED] firearm and admitted he did not observe Mr. [REDACTED] raise the firearm.⁹⁷ Officer Lanier also knew that his partner, Officer Taylor, was in the backyard. Officer Lanier appears to have never considered that the gunfire could have originated from his partner, Officer Taylor. Therefore, Officer Lanier did not have an objectively reasonable basis to believe that Mr. [REDACTED] was using/had used his firearm or was imminently threatening to use his firearm. Finally, a reasonable officer would have accounted for the availability of cover and recognized that the use of deadly force is always the last resort.⁹⁸ Officer Lanier had available cover, the tree, which he was standing directly south of.

COPA finds that Officer Lanier had an insufficient basis to form an objectively reasonable belief that Mr. [REDACTED] would cause death or great bodily harm unless he immediately used deadly

⁹³ Officer Lanier did not explain how Mr. [REDACTED] would have known this.

⁹⁴ Statement of Officer Lanier, Att. 72, page 27, line 15.

⁹⁵ *Id.*, page 27, lines 20-23.

⁹⁶ *Id.*, page 35, lines 21-23.

⁹⁷ “Q[:] Okay. Did you see Mr. [REDACTED] make any movements like raise the gun or anything like that? “A[:] No, I just know Mr. [REDACTED] was looking at me with a gun in his hand.” Att. 92 at Page 32. Officer Lanier later stated he observed “hand movement” but never asserted Mr. [REDACTED] raised the firearm. *See id.* at Page 33. In fact, Mr. [REDACTED] firearm was pointed directly towards the ground at this point of the encounter.

⁹⁸ General Order G03-02(III)(C)(3).

force to eliminate the threat. Therefore, Mr. ██████ did not pose an imminent threat as required by Department policy as a precondition to the use deadly force.

For these reasons, COPA finds that Officer Lanier fired at or in the direction of Mr. ██████ in violation of General Order 03-02 and sustains Allegation #1 against Officer Lanier.

b. Body-Worn Camera

1. Officer Taylor Failed to Activate His Body Worn Camera in a Timely Manner

The evidence demonstrates that Officer Taylor did not activate his BWC until after discharging his firearm at Mr. ██████ CPD Special Order S03-14 requires that a body camera be activated in “any instance when enforcing the law” and during foot pursuits. Officer Taylor knew he was responding to an active foot pursuit of a man with a gun and had ample time and opportunity to activate his BWC.

Officer Taylor explained that he received training on the usage of the BWCs but not substantial training on practicing muscle memory in high-stress situations. Officer Taylor did acknowledge, however, that he was taught to turn on the camera while he was on the way to a call, and that he did not activate his camera in accordance with his training during this incident.

Officer Taylor’s explanation is insufficient. Officer Taylor’s failure to timely activate his camera interfered with COPA’s investigation in this case and COPA’s and the Department’s general goal of improving the quality and reliability of investigations and increasing transparency with the general public. While Officer Taylor’s firearm discharge was captured by the silent buffer period of his BWC recording, COPA does not have any audio evidence of exactly what was said prior to the shooting or the cadence of the shots.

For these reasons COPA finds that Officer Taylor, while responding to an incident documented under RD # ██████, failed to activate his body worn camera in a timely manner and sustains Allegation #2 against Officer Taylor.

2. Officer Lanier Failed to Activate His Body Worn Camera in a Timely Manner

The evidence demonstrates that Officer Lanier did not activate his BWC during the incident. CPD Special Order S03-14 requires that a body camera be activated in “any instance when enforcing the law” and during foot pursuits. Officer Lanier knew he was responding to an active foot pursuit of a man with a gun and had ample time and opportunity to activate his BWC.

When asked if he activated his BWC during this incident, Officer Lanier stated that he believed that it was recording, but later discovered that it was not. Officer Lanier could not recall when he attempted to activate his BWC during the incident. Additionally, Officer Lanier acknowledged receiving training on when and how to activate the equipment.

Officer Lanier’s explanation is insufficient. Officer Lanier had ample opportunity to verify his BWC was properly activated while responding to the incident. Officer Lanier’s failure to activate his camera interfered with COPA’s investigation in this case and COPA’s and the Department’s general goal of improving the quality and reliability of investigations and increasing transparency with the general public. Officer Lanier’s firearm discharge was not captured by BWC. Officer Lanier’s failure to activate his camera caused COPA to miss a critical perspective of Officer Taylor’s, Officer Lanier’s, and Mr. [REDACTED] actions and statements prior to, during, and immediately after the shooting.

For these reasons COPA finds that Officer Lanier, while responding to an incident documented under RD # [REDACTED], failed to activate his body worn camera in a timely manner and sustains Allegation #2 against Officer Lanier.

VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding / Recommendation
Officer David Taylor	<ol style="list-style-type: none"> 1. It is alleged that on July 3, 2018, at approximately 8:04 pm., at or near [REDACTED], you fired at or in the direction of [REDACTED] in violation of General Order 03-02. 2. It is also alleged that on July 3, 2018, while responding to an incident documented under RD # [REDACTED], you failed to activate your body worn camera in a timely manner. 	<p>Sustained / Separation</p> <p>Sustained / Reprimand</p>
Officer Larry Lanier	<ol style="list-style-type: none"> 1. It is alleged that on July 3, 2018, at approximately 8:04 pm., at or near [REDACTED], you fired at or in the direction of [REDACTED] in violation of General Order 03-02. 2. It is also alleged that on July 3, 2018, while responding to an incident documented under RD # [REDACTED], you failed to activate your body worn camera in a timely manner. 	<p>Sustained / Separation</p> <p>Sustained / Reprimand</p>

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer David Taylor, #18525

i. Complimentary and Disciplinary History

Officer Taylor has been a member of the Chicago Police Department since August 31, 2015. In that time, he has received 40 Honorable Mentions, 1 Department Commendation, and 1 Complimentary Letter. In the last seven years, he received a SPAR in 2018 for a preventable accident and a SPAR in 2019 for a court appearance violation, both of which resulted in Reprimands.

ii. Recommended Penalty, by Allegation

For the allegation that Officer Taylor fired at or in the direction of ██████████ in violation of General Order 03-02, COPA recommends Separation. As detailed in the analysis above, based on the totality of the circumstances facing him, it was unreasonable for Officer Taylor to believe that Mr. ██████████ actions were likely to cause death or great bodily harm unless Officer Taylor used deadly force. Officer Taylor did not have probable cause to believe that Mr. ██████████ had committed a forceable felony or any violent crime; Mr. ██████████ reasonably appeared to be incapacitated; Mr. ██████████ reasonably appeared to be fleeing; and Mr. ██████████ did not reasonably pose an imminent threat to Officers Taylor or Lanier. COPA believes that Separation is a fair and reasonable result based on the totality of the circumstances of this incident.

For the allegation that Officer Taylor failed to activate his body worn camera in a timely manner during this incident, COPA recommends a Reprimand. Officer Taylor acknowledged his error in not turning on his body-worn camera earlier as he was trained to do and attributed it his lack of practice with using the camera during high-pressure situations.

b. Officer Larry Lanier, #16195

i. Complimentary and Disciplinary History

Officer Lanier has been a member of the Chicago Police Department since August 25, 2014. In that time, he has received 21 Honorable Mentions, 4 Department Commendations, 1 Superintendent's Honorable Mention, and 1 Complimentary Letter. In the last seven years, he received three SPARs for preventable accidents that each resulted in Suspensions of 1 day.

ii. Recommended Penalty, by Allegation

For the allegation that Officer Lanier fired at or in the direction of ██████████ in violation of General Order 03-02, COPA recommends Separation. As detailed in the analysis above, based on the totality of the circumstances facing him, it was unreasonable for Officer Lanier to believe that Mr. ██████████ actions were likely to cause death or great bodily harm unless Officer Lanier used deadly force. Officer Lanier did not have probable cause to believe that Mr. ██████████ had committed a forceable felony or any violent crime; Mr. ██████████ reasonably appeared to be incapacitated; Mr. ██████████ reasonably appeared to be fleeing; and Mr. ██████████ did not reasonably pose an imminent threat to Officers Lanier or Taylor. COPA believes that Separation is a fair and reasonable result based on the totality of the circumstances of this incident.

For the allegation that Officer Lanier failed to activate his body worn camera during this incident, COPA recommends a Reprimand. Officer Lanier expressed an awareness of when such a camera should be activated but failed to ensure that he had done so.

Approved:



Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date: 4/29/20



Sydney Roberts
Chief Administrator

Date: 4/29/20

Appendix A

Assigned Investigative Staff

Squad#:	One
Major Case Specialist:	Chantall Morley
Supervising Investigator:	Shannon Hayes
Deputy Chief Administrator:	Andrea Kersten